

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

HANSEN BEVERAGE COMPANY,

Plaintiff,

vs.

VITAL PHARMACEUTICAL, INC., a.k.a  
“VPX,” a Florida corporation,

Defendant.

CASE NO. 08-CV-1545 IEG (POR)

**ORDER DENYING JOINT  
MOTION TO AMEND  
SCHEDULING ORDER**

**(Doc. No. 70)**

Presently before the Court is the parties’ joint motion to amend certain dates set forth in the scheduling order.<sup>1</sup> (Doc. No. 70.) The parties have premised this motion on their mutual preference for the pretrial deadlines in this case to fall after the corresponding deadlines in a similar case before the Court, Hansen Beverage Company v. Innovation Ventures, LLC. dba Living Essentials (08-CV-1166-IEG (POR)). The parties argue that although the instant action is not identical to Living Essentials, allowing the pretrial deadlines in the instant case to follow those in the Living Essentials case “will likely provide the parties guidance on how to proceed with, and possibly resolve, some or all of the issues in this case.” (Motion at 1.) Accordingly, the parties have set forth numerous suggested dates for a modified scheduling order, based on the existing deadlines in the Living Essentials scheduling order.


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<sup>1</sup> Magistrate Judge Porter issued the current operative scheduling order on August 13, 2009. (Doc. No. 56.)

1 Although the parties' basis for the instant motion is well taken, the defendant in Living  
2 Essentials has filed a motion to continue the deadlines set forth in that case's scheduling order. (See  
3 08-CV-1166-IEG (POR), Doc. No. 117.) The Court has referred the motion to Magistrate Judge  
4 Porter to determine whether there is good cause to amend the dates in the Living Essentials scheduling  
5 order. (See 08-CV-1166-IEG (POR), Doc. No. 119.) As the dates in the Living Essentials scheduling  
6 order will depend on Magistrate Judge Porter's findings, those dates are now subject to change.  
7 Accordingly, the Court DENIES the parties' joint motion. If the parties wish to re-file a similar  
8 motion after Magistrate Judge Porter has ruled on the motion to amend the Living Essentials  
9 scheduling order, they are free to do so.

10 **IT IS SO ORDERED.**

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12 **DATED: September 25, 2009**

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14 **IRMA E. GONZALEZ, Chief Judge**  
15 **United States District Court**  
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